

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

**EMPLOYERS MUTUAL CASUALTY COMPANY
and EMCASCO INSURANCE COMPANY**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:05CV272LN

**EVELYN K. GOERS, CHERYL GOERS and
UNION PLANTERS NATIONAL BANK**

DEFENDANTS

ORDER

This matter came before the court on the Plaintiffs' Motion to Stay Proceedings, for Additional Time to Serve Complaint, by which they seek an additional ninety days for counsel for the Defendants "to locate and consult with his client" and an additional one hundred eighty days within which to serve Defendants Evelyn K. Goers and Cheryl Goers. This case was filed in April, 2005. In August, summons was returned executed as to Union Planters National Bank and a deadline for that Defendant to answer was established as August 9, 2005. No answer has been filed, nor have the Plaintiffs moved for a default judgment against that Defendant. On August 29, this court granted the Plaintiffs until December 1, 2005, within which to Serve Evelyn K. Goers and Cheryl Goers. Process has not been served on these Defendants, and this case has not progressed in any manner.

Granting the Motion to Stay would extend the time for service on these Defendants another nine months, or until August, 2006. Presumably, the Plaintiffs intend to take no action against Union Planters National Bank until after the other Defendants have been served. Such an extension cannot be granted. The Plaintiffs will be given another short extension of time within which to serve the

individual Defendants. If no action has been taken to further this litigation by that time, the undersigned will recommend dismissal for failure to prosecute.

IT IS, THEREFORE, ORDERED that the Plaintiffs' Motion to Stay Proceedings is hereby **granted** in part and **denied** in part, and the Plaintiffs shall have until January 31, 2006, within which to serve Evelyn K. Goers and Cheryl Goers.

IT IS SO ORDERED, this the 29th day of November, 2005.

S/Alfred G. Nicols, Jr.
UNITED STATES MAGISTRATE JUDGE